IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 33529 of 2007(N)

PETITIONER:

K.BALAGOPALA PILLAI,
KIZHAKKE MATHIRAM PALLIL, KUNNATHUR P.O.,
KOLLAM-690 540.

BY ADV. SRI.B.SURESH KUMAR

RESPONDENTS:
----

1. **THE KERALA MOTOR TRANSPORT WORKERS' WELFARE FUND BOARD, KOLLAM, REPRESENTED BY ITS DISTRICT EXECUTIVE OFFICER.**

2. **THE DISTRICT EXECUTIVE OFFICER, KERALA MOTOR TRANSPORT WORKERS' WELFARE FUND BOARD, KOLLAM.**

3. **THE DEPUTY TAHSILDAR (R.R.), TALUK OFFICE, KUNNATHUR P.O., KOLLAM-690 540.**

4. **THE VILLAGE OFFICER, KUNNATHUR, KUNNATHUR P.O., KOLLAM-690 540.**

BY SRI.K.HARILAL, SC FOR R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
==========
W.P.(C) NO. 33529 OF 2007 N
==========

Dated this the 14th day of November, 2007

J U D G M E N T

Exts. P1 and P2 are two final determination orders passed by the respondents exercising their powers under the Kerala Motor Transport Workers Welfare Fund Act. Though these orders were passed as early as in 2003 and 2004, petitioner has not filed any appeal against these orders. In view of this, his liability stands undisputed and has become final. If that be so, there cannot be any sustainable objection against the recovery that is sought to be made. Hence no grounds are made out for interference.

2. However, taking into account the financial constraints pointed out by the petitioner, I direct that the amount due in terms of Exts. P3 and P4 will be permitted to be paid by the petitioner in 6 equal monthly instalments commencing from 1st of December 2007 and the balance shall be paid on the 1st of every succeeding month. If payment is made as above, no coercive action will be initiated for recovery of the amount.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp